

REMARKS

Claims 1-21 are pending in this application; claims 1, 6, and 19 being independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections.

The Official Action

In the outstanding Official Action, the Examiner objected to the Disclosure based on minor informalities; rejected claim 4 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references.

Specification

The Examiner objected to the specification, asserting the sentence contained in lines 7-9 of page 4 is incomprehensible. By this Amendment, Applicants have amended this sentence to delete the phrase "as well as" and replace it with --etc.--. Applicants respectfully request withdrawal of this objection based upon this amendment.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. By this Amendment, Applicants have amended claim 4 to correct a typographical error by correctly reciting "the positional information acquiring device." Based upon this amendment, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-19 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references. Applicants respectfully traverse these rejections.

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* (USP 6,111,605) in view of *Sakaegi* (USP 5,808,678). The Examiner asserts that *Suzuki* discloses all of the elements of the invention set forth in claim 1 except for using a touch panel to define a mask. The Examiner further asserts that *Suzuki* teaches in order to determine the subject of photography, an image mask is placed over the image displayed on LCD 119. The unmasked area is used as the main subject and the masks may be defined by the user, citing to col. 42, lines 51-57, and col. 43, lines 25-33.

It is respectfully submitted that *Suzuki* teaches

Setting is executed, when the digital still vide[o] camera has been enabled, by pressing the photographing mode setting button in the operation display section 116. In step S4601, a mask type is selected from various types of mask previously prepared as shown in FIG. 47A, FIG. 47B, and FIG. 47C. Herein the shadowed section **indicates an area where any image is not recorded**, and when any type of mask is selected, the small memory space photographing mode is effected in which a memory space smaller than that of H [pixels] in the vertical directionxW [pixels] in the horizontal mode required for an image size in the ordinary photographing mode. In step S4602, a type number of the selected mask is stored in a RAM of the MEM 114. (Col. 42, lines 31-44). (Emphasis added).

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, a camera for recording a captured image on a recording medium in accordance with an instruction from a recording instruction device, the camera comprising a principal

subject determining device for determining a principal subject in the captured image shown on the display part in accordance with the determined touched portion; and a principal subject position recorder for recording, on the recording medium, principal subject positional information representing the position of the determined principal subject in the captured image **when the captured image is recorded** on the recording medium in accordance with the instruction from the recording instruction device.

It is respectfully submitted that *Suzuki* fails to teach the principal subject determining device and the principal subject position recorder of the present invention as *Suzuki* teaches saving only a portion of the image. *Suzuki* actually teaches away from the present invention as only a portion of the image is saved in order to conserve memory. It is respectfully submitted that *Sakaegi* fails to cure the deficiencies of the teachings of *Suzuki*, assuming these references are combinable, which Applicants do not admit. Further, the additional secondary references recited in paragraphs 8-13 of the outstanding Office Action fail to cure the deficiencies in the teachings of *Suzuki*. Thus, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims dependent on claim 1 are allowable for the reasons set forth above with regard to claim 1 based upon their dependency on claim 1.

It is further respectfully submitted that independent claims 6 and 19 contain elements similar to those discussed above with regard to claim 1 and, thus, claims 6 and 19, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Sakaegi* and further in view of *Maurinus et al.* (USP 6,222,646).

1 The Examiner admits that *Suzuki* and *Sakaegi* are silent with regard to using a touch
 panel to direct the camera to record an image. The Examiner relies on *Maurinus et al.*
 to teach this feature, asserting *Maurinus et al.* teaches a user being able to manipulate
 and select an image to be recorded on a magnetic or optical digital storage medium,
 5 citing to col. 3, lines 35-45.

It is respectfully submitted that *Maurinus et al.* teaches an electronic photography
 system which includes a number of photo capture stations including (a digital camera
 and a customer identification device for selectively actuating the digital camera to
 capture a digital image.) The system also includes a central controller for collecting and
 10 storing digital images captured by the photo capture stations and an output station
 connected to the central controller. The output station has a customer identification
 device, a display device responsive to actuation of the customer identification device to
 display the digital images associated with the customer identification and an output
 device for transferring the digital images to an output medium (Abstract).

15 Specifically, *Maurinus et al.* teaches at col. 3, lines 36-46,

The image output station also includes a display and customer
 interface, such as (a touchscreen CRT 58 for customer viewing,
 manipulation and selection of their stored images or stock images.)
 20 The image output station also includes a hardcopy output device
 60, such as a Kodak Colorease thermal printer for producing prints
 of selected customer images. (The image output station may also
 include a digital image recording device for recording the digital
 images on magnetic or optical digital storage medium such as a
 floppy disc or a compact disc.)

25 In contrast, the present invention as set forth in claim 4 recites, *inter alia*, the
 camera as defined in claim 1, wherein the recording instruction device includes the
 touch panel and the positional information acquiring device and directs that the captured

image be recorded on the recording medium when the touch panel is touched. It is respectfully submitted that *Maurinus et al.* teaches the image output station including a display and a customer interface. It is respectfully submitted that *Maurinus et al.* fail to teach a camera wherein the recording instruction device includes a touch panel and a positional information acquiring device and directs that the captured image be recorded on the recording medium when the touch panel is touched. It is respectfully submitted that neither *Suzuki* nor *Sakaegi* cure the deficiencies of the teachings of *Maurinus et al.*, assuming these references are combinable, which Applicants do not admit. As such, it is respectfully submitted that claim 4 is not obvious over *Suzuki* in view of *Sakaegi* and further in view of *Maurinus et al.*

With regard to the Examiner's rejection of claim 5, the Examiner asserts that *Sakaegi* does not specifically teach the elements set forth in claim 5. However, the Examiner asserts that it is inherent that *Sakaegi*'s subject-defining means detects a closed figure as only a closed figure can be considered a valid subject-defining area.

It is respectfully submitted that *Sakaegi* teaches a method and apparatus for designing a position on a view finder based on motion detection. Specifically, *Sakaegi* teaches at col. 4, lines 18-29,

...The output signal processor 17 receives the cursor signal and mixes the signal into the video signal, then displays a cursor 203 on the electronic view finder 19. As a result, the user can see a cursor mark "+" at the center of the finder image of the electronic view finder 19 (FIG. 2B, S403).

If the system controller detects that the area designation SW 21 has been still pressed, the motion detecting unit 6 calculates a motion vector based on the sensed video signal (S405). The motion detecting unit 6 divides the video signal into a plurality of blocks, and detects a motion vector in the respective blocks.

Sakaegi additionally teaches at col. 5, lines 33-34,

The cursor mark 203 moves in the image of the electronic view finder 19 as if it is an object on an image. At this time, the system controller 7 depicts a circle 202 as shown in FIG. 2C (S408).

In contrast, the present invention as set forth in claim 5 recites, *inter alia*, a camera comprising a frame detector for detecting, with the positional information acquiring device, a closed figure from a track of the touched portion described on the touch panel. It is respectfully submitted that *Sakaegi* fails to teach a frame detector for detecting with the positional information acquiring device a closed figure from a track of the touched portion described on the touch panel. It is respectfully submitted that *Sakaegi* teaches calculating the circle based upon a motion vector. It is respectfully submitted that *Suzuki* fails to cure the deficiencies of the teachings of *Sakaegi*, assuming these references are combinable, which Applicants do not admit, as *Suzuki* fails to teach the frame detector of the present invention. As such, it is respectfully submitted that claim 5 is not obvious over *Suzuki* in view of *Sakaegi*.

With regard to the Examiner's rejection of claims 10 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Sakaegi* and further in view of *Kaji* (USP 5,838,370), the Examiner asserts that *Kaji* discloses an image pick up apparatus wherein a user may enlarge an image displayed on an electric view finder using an enlargement execution switch. The Examiner asserts that if an image may be enlarged then it is inherent that the image may then be reduced. It is respectfully submitted that the steps that are performed in enlarging an image are different than the steps that are performed in reducing an image. Additional steps must be taken in performing an image reduction. As such, it is respectfully submitted that it is not inherent that a device

that can perform enlargement can also perform reduction. It is respectfully submitted that neither *Suzuki* nor *Sakaegi* cure the deficiencies of the teachings of *Kaji* as neither reference teaches an image processor for expanding and reducing the captured image about a reference point determined in accordance with the principal subject positional information, assuming these references are combinable, which Applicants do not admit. As such, it is respectfully submitted that claims 10 and 18 are patentable over *Suzuki* in view of *Sakaegi* and further in view of *Kaji*.

With regard to the Examiner's rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Sakaegi* and further in view of *Sarbadhikari et al.* (USP 5,477,264), the Examiner asserts that *Sarbadhikari et al.* discloses an imaging system that includes a variety of templates on a storage device wherein only a section of the image may be used with the template as defined by the user, citing to col. 10, lines 39-41.

It is respectfully submitted that the Examiner is mischaracterizing the *Sarbadhikari et al.* reference. It is respectfully submitted that *Sarbadhikari et al.* teaches an electronic imaging system using a removable software enhanced storage device. Specifically, *Sarbadhikari et al.* teaches at col. 10, lines 33-43,

In the camera, the processor 20 would retrieve the overlay and the digital processor 22 would insert the user captured image into the overlay surround. A given removable image storage device might be labeled as a Christmas Album, for example, and the camera would insert the user captured images into the seasonal templates without input from the user. The camera may prompt the user to frame the image appropriately with cues in the electronic viewfinder 29, as shown in FIG. 9. An outline of the template might appear in the viewfinder 29 to assist with framing.

In contrast, the present invention as set forth in claim 12 recites, *inter alia*, an electronic camera comprising an image composition processor for composing the template image retrieved from the template image storage part and the area inside the frame indicated with the closed figure on the captured image. It is respectfully submitted that *Sarbadhikari et al.* teach providing the user to select an overlay wherein the overlay is composed with the image. *Sarbadhikari et al.* does not teach composing the template image retrieved from the template image storage part and the area inside the frame indicated with the closed figure on the captured image. It is further respectfully submitted that neither *Suzuki* nor *Sakaegi* cure the deficiencies of the teachings of *Sarbadhikari et al.*, assuming these references are combinable, which Applicants do not admit, as neither *Suzuki* nor *Sakaegi* teach composing the template image retrieved from the template image storage part and the area inside the frame indicated with the closed figure on the captured image. As such, it is respectfully submitted that claim 12 is patentable over *Suzuki* in view of *Sakaegi* and further in view of *Sarbadhikari et al.*

With regard to the Examiner's rejection of claims 13 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Suzuki* in view of *Sakaegi* and further in view of *Shiota et al.* (USP 6,011,547), the Examiner asserts that *Shiota et al.* discloses an image reproduction system which utilizes recorded information accompanying the images which may include a designation of the main subject of the image, citing to col. 5, lines 1-7.

It is respectfully submitted that *Shiota et al.* teaches a method and apparatus for reproducing an image from data obtained by a digital camera. Specifically, *Shiota et al.* teaches at col. 5, lines 1-11,

Moreover, since a focusing length, a focusing position, and the like become important information when the image processing is carried out, it is better if they are included in the recording information. For example, when image processing is carried out upon printing, processing for extracting a main target object may be carried out for especially improving a picture quality of the main target object. If information relevant to focus is added as the recording information, it is judged that the main target object exists in an area of focus, and a complex extracting processing does not need to be carried out.

In contrast, the present invention as set forth in claim 13, and similarly recited in claim 16, recites an image tone correcting device for performing a predetermined image tone correction for the principal subject during reproduction of the recorded image in accordance with the recorded principal subject positional information. It is respectfully submitted that *Shiota et al.* fails to teach the image tone correcting device for performing a predetermined image tone correction for the principal subject during reproduction of the recorded image in accordance with the recorded principal subject positional information. It is further respectfully submitted that *Suzuki* and *Sakaegi* fail to cure the deficiencies of the teachings of *Shiota et al.*, assuming these references are combinable, which Applicants do not admit, as neither *Suzuki* nor *Sakaegi* teach the image tone correcting device of the present invention. As such, it is respectfully submitted that claims 13 and 16 are patentable over *Suzuki* in view of *Sakaegi* and further in view of *Shiota et al.*

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants respectfully petition for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Marc S. Weiner, Reg. No. 32,181

law
MSW/CMV/jdm
0879-0217P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Version With Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The specification has been amended as follows:

Please replace the paragraph beginning on page 4, line 7, with the following rewritten paragraph:

--The principal subject may be designated not only by designating a point of the principal subject (a point designation) but also by enclosing the principal subject with a closed figure such as a circle (an area designation) [as well as] etc. Accordingly, the camera further comprises: a frame detector for detecting, with the positional information acquiring device, a closed figure from a track of the touched portion described on the touch panel; and a frame display processor for displaying the closed figure on the display part; wherein the principal subject determining device determines, as the principal subject, an area inside the closed figure on the captured image.--

IN THE CLAIMS:

The claims have been amended as follows:

4. (Amended) The camera as defined in claim 1, wherein the recording instruction device includes the touch panel and the positional information [determining] acquiring device and directs that the captured image be recorded on the recording medium when the touch panel is touched.

New claims 20-21 have been added.